

Message Text

CONFIDENTIAL

PAGE 01 GENEVA 06937 01 OF 02 311858Z

44

ACTION IO-13

INFO OCT-01 AF-08 ISO-00 ARA-06 EA-07 EUR-12 NEA-10 DHA-02

ORM-02 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 AID-05 EB-07

OIC-02 /121 W

----- 056213

R 311609Z AUG 76

FM USMISSION GENEVA

TO SECSTATE WASHDC 2159

INFO USMISSION USUN NY

AMEMBASSY MONROVIA

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 6937

E.O. 11652: GDS

TAGS: SHUM

SUBJECT: SUMMARY OF PRIVATE SUB-COMMISSION MEETING A.M. AUGUST
30, 1976 - PART I

1. MEETING BEGAN WITH A DISCUSSION OF WHICH RESOLUTION SHOULD BE CONSIDERED FIRST, E/CN4/SUB2/R25 DATED AUGUST 25 WHICH SMIRNOV (USSR) ASKED TO BE TAKEN FIRST, SINCE IT WAS TABLED BEFORE R26 DATED AUGUST 26. HE WON OUT AFTER HRC DIRECTOR SCHREIBER STATED R25 WAS SUBMITTED FIRST. AMBASSADOR CARTER (US) EXPRESSED AGREEMENT WITH TAKING R25 FIRST BUT OBTAINED THE CHAIRMAN'S ASSURANCES THAT THE VOTE ON R26 (NETTEL'S AMENDMENT) WOULD PRECEDE THE VOTE ON R25.

2. SMIRNOV INTRODUCED R25 STATING THAT THE SECRECY REQUIREMENT OF ECOSOC RESOLUTION 1503 HAD BEEN VIOLATED ON A NUMBER OF OCCASIONS. HE ADDED THAT OVERLAPPING AND PARALLELISM OF PROCEDURES SHOULD BE ELIMINATED, PARTICULARLY SINCE SECTION 10 OF 1503 CALLS FOR REVIEW AFTER THE HUMAN RIGHTS COVENANTS BECOME EFFECTIVE AS HAS RECENTLY OCCURED. HE STATED THAT THE PARTIES TO THE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 06937 01 OF 02 311858Z

CIVIL AND POLITICAL RIGHTS COVENANTS ARE FROM ALL

REGIONS OF THE WORLD SO THAT THERE WOULD BE BALANCED REPRESENTATION IN ITS ADMINISTRATION. HE STATED THAT THE OPERATIVE PARAGRAPH OF R25 HAD BEEN PURPOSELY LEFT VAGUE IN ORDER TO AVOID TIEING THE HANDS OF THE HUMAN RIGHTS COMMISSION.

3. NETTEL INTRODUCED R26 SAYING THAT HIS PURPOSE WAS TO IMPROVE THE EFFECTIVENESS OF THE 1503 PROCEDURE, TO WHICH HE IS VERY ATTACHED. THIS AMENDMENT WOULD HAVE ADDED THE LANGUAGE, "WITH A VIEW TO IMPROVING ITS EFFECTIVENESS," FOLLOWING THE REQUEST IN R25 THAT THE COMMISSION RECOMMEND ECOSOC REVIEW THE PROCEDURE FOR DEALING WITH COMMUNICATIONS UNDER 1503.

4. CARTER ASKED WHY THE MEETING WAS BEING HELD PRIVATELY WHEN THE JUSTIFICATION FOR PRIVACY HAD BEEN THAT ACTUAL CASES WOULD BE MENTIONED AND THIS HAD NOT OCCURED. HE MADE A MOTION THAT R25 BECOME A PUBLIC DOCUMENT AND BE DISCUSSED PUBLICLY. THE CHAIRMAN (NETTEL) STATED THAT THE MOTION WAS IN ORDER, EXPLAINING THAT GANJI, WHO HAD LEFT OVER THE WEEKEND, HAD WANTED R25 DISCUSSED PRIVATELY.

5. AFTER DISCUSSION OF CARTER'S MOTION WITH SOME MEMBERS CLAIMING THAT THEY MIGHT STILL WISH TO MENTION ACTUAL CASES, A VOTE WAS TAKEN AND THE MOTION WAS LOST, 6-12-5.

6. THE DEBATE THEN PROCEEDED ON R25, STARTING WITH MRS. QUESTIAUX (FRANCE) URGING THAT THE SUB-COMMISSION INDICATE ITS WISHES AS TO THE DIRECTION OF POSSIBLE 1503 REVISIONS. CASSESE (ITALY) POINTED OUT THAT THERE REALLY IS NO OVERLAPPING BETWEEN 1503 AND THE OTHER TWO TREATY ORGANS, ONE UNDER THE RACIAL DISCRIMINATION CONVENTION AND THE OTHER UNDER THE COVENANTS. HE NOTED THAT ONLY 13 STATES HAVE RATIFIED THE OPTIONAL PROTOCOL TO THE CIVIL AND POLITICAL RIGHTS COVENANT, WHICH IS THE ONLY MACHINERY BY WHICH INDIVIDUAL COMPLAINTS ARE HEARD UNDER THE COVENANTS. HE ALSO POINTED OUT THAT THE SUBJECT MATTER DEALT

CONFIDENTIAL

PAGE 03 GENEVA 06937 01 OF 02 311858Z

WITH CAN BE DIFFERENT SINCE 1503 IS LIMITED TO CONSISTENT PATTERNS OF GROSS VIOLATIONS WHILE THE COVENANTS CAN DEAL WITH SINGLE CASES. HE SAID THAT ECOSOC HAD ALREADY DEALT WITH CONFIDENTIALITY PROBLEMS IN ITS RESOLUTION 1919.

7. WHITAKER (UK) TERMED THE NETTEL AMENDMENT (R26) ESSENTIAL TO AVOID AMBIGUITY IN R25, ADDING THAT

SOME OF THE CO-SPONSORS OF R25 HAD BEEN RUSHED INTO SIGNING, IN SECRECY. HE STATED THAT THERE MIGHT BE ONE OR TWO SUB-COMMISSION MEMBERS WHO WANTED TO DESTROY 1503, BUT THAT THE MAJORITY VIEW WAS IN ITS FAVOR AND SHOULD BE MADE CLEAR IN THE RESOLUTION. HE ECHOED CASSESE'S EMPHASIS ON THE OPTIONAL PROTOCOL, NOTING THAT THE USSR HAD NOT SIGNED IT.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 GENEVA 06937 02 OF 02 311912Z

43

ACTION IO-13

INFO OCT-01 AF-08 ISO-00 ARA-06 EA-07 EUR-12 NEA-10 DHA-02

ORM-02 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 EB-07 AID-05

OIC-02 /121 W

----- 056430

R 311609Z AUG 76

FM USMISSION GENEVA

TO SECSTATE WASHDC 2160

INFO USMISSION USUN NY

AMEMBASSY MONROVIA

C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 6937

8. KHALIFA (EGYPT) REPLIED THAT NOTHING IN R25 SUGGESTS UNHAPPINESS WITH 1503 AND, ON BEHALF OF THE CO-SPONSOERS, PROPOSED A SUB-AMENDMENT TO R26 WHICH, AFTER DISCUSSION, CAME OUT READING SO THAT THE OPERATIVE PARAGRAPH OF R25 WOULD BEGIN: "REQUESTS THE COMMISSION ON HUMAN RIGHTS WITH A VIEW TO IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS EFFORTS AND MACHINERY IN THE SAFEGUARDS OF HUMAN RIGHTS TO RECOMMEND..."

9. CHAIRMAN NETTEL DECLINED TO ACCEPT KHALIFA'S SUB-AMENDMENT, EVEN WHEN SINGH SUGGESTED THAT PLACING IT IN THE SAME POSITION AT THE END WHERE NETTEL'S OWN AMENDMENT WOULD HAVE GONE. VAN BOVEN SUPPORTED NETTEL,

POINTING OUT THAT THE SUB-AMENDMENT HAD A DIFFERENT MEANING FROM R26.

10. CARTER EXPRESSED DOUBTS ABOUT THE PURPOSE OF THE SUB-AMENDMENT, CALLING IT NAIVE FOR SOME MEMBERS TO SAY THAT IT WAS NOT AN EFFORT TO KILL 1503. HE POINTED OUT THAT R25 HAD BEEN CIRCULATED IN SECRET AND THAT SOME MEMBERS HAD NOT BEEN SHOWN IT OR ASKED TO COMMENT
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 06937 02 OF 02 311912Z

OR CO-SPONSOR.

1. BOUHDIBA (TUNISIA) SUPPORTED THESE VIEWS, NOTING THAT THE 1503 PROCEDURE IS A MINIMUM WHICH MIGHT BE REDUCED TO ZERO IN THE PROCESS OF ANY REVIEW. HE SAID THAT THE SUB-COMMISSION'S WORK WOULD BE GONE IF R25 WAS ADOPTED WITHOUT THE AMENDMENT R26.

12. TOVAR, ALTERNATE TO MARTINEZ COBO, SUGGESTED THAT IT IS THE SUB-COMMISSION WHICH IS IN THE BEST POSITION TO REVISE THE 1503 PROCEDURE, AND IT SHOULD THEREFORE SUGGEST PRECISE WAYS OF IMPROVING IT.

13. WHITAKER MADE AN EFFORT TO SAVE NETTEL'S LANGUAGE BY SUGGESTING AN INCLUSION OF BOTH IT AND THE SUB-AMENDMENT, BUT HE DID NOT MAKE A FORMAL PROPOSAL AND KHALIFA, WITH SUPPORT FROM OTHER MEMBERS, PRESSED FOR A VOTE AND ASKED FOR A ROLL CALL ON THE RESOLUTION ON A WHOLE. CARTER FORMALLY PROPOSED A 15-MINUTE ADJOURNMENT IN AN EFFORT TO RECONCILE THE DIFFERENT POSITIONS. HIS MOTION CARRIED 10-8-3. THE RECESS PRODUCES NO AGREEMENT. A MOTION BY PACHACHI (IRAQ) FOR CLOSURE OF DEBATE MADE BEFORE THE RECESS, WAS THE NEXT ORDER OF BUSINESS AND IT CARRIED 14-4-5.

14. THE SUB-AMENDMENT CARRIED 15-6-2 AND R26, AS THUS AMENDED, CARRIED 15-5-2. ON THE ROLL CALL VOTE ON R25 AS AMENDED, THE VOTE WAS 15-6-2. THOSE VOTING "YES" WERE MARTINEZ BAEZ (MEXICO), SALEEM (PAKISTAN), ESHUN (GHANA), SMIRNOV (USSR), PACHACHI (IRAQ), SINGH (INDIA), CAICEDO PERDOMO (COLOMBIA), CRISTESCU (ROMANIA), JIMETA (NIGERIA), GANJI'S ALTERNATE, DESPOTOVIC (YUGOSLAVIA), ORTIZ-MARTIN (COSTA RICA), KHALIFA (EGYPT), JOTIDILOK (THAILAND), KINYANJUI (KENYA). THOSE VOTING "NO" WERE NETTEL (AUSTRIA), QUESTIAUX (FRANCE), WHITAKER (UK), VAN BOVEN (NETHERLANDS), BOUHDIBA (TUNISIA) AND CARTER (US). TOVAR AND CASSESE ABSTAINED.

15. CARTER THEN PROPOSED THAT THE RESOLUTION ADOPTED
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GENEVA 06937 02 OF 02 311912Z

BE MADE PUBLIC, TO WHICH THERE WAS NO OBJECTION. HE
ALSO PROPOSED THAT THE SUMMARY RECORDS BE MADE PUBLIC.
SMIRNOV QUESTIONED WHETHER THIS WOULD SET A PARTICULAR
PRECEDENT BUT SAID HE WOULD NOT OBJECT TO THE VOTING
BEING MADE PUBLIC. A VOTE WAS TAKEN ON PUBLISHING
THE SUMMARY RECORDS AND WAS CARRIED 140-0-7.

16. THIS ENDED THE MORNING SESSION. SEPTTEL REPORTS
AFTERNOON DEVELOPMENTS ON THE RESOLUTION PROPOSING
ELEVATION OF SPECIFIC COMMUNICATIONS. CATTO

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, COMMITTEE MEETINGS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 31 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: saccheem
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976GENEVA06937
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760330-0774
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976084/aaaaacvu.tel
Line Count: 240
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: saccheem
Review Comment: n/a
Review Content Flags:
Review Date: 11 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <11 MAY 2004 by GarlanWA>; APPROVED <16 SEP 2004 by saccheem>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SUMMARY OF PRIVATE SUB-COMMISSION MEETING A.M. AUGUST 30, 1976 - PART I
TAGS: SHUM
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006